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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Hegde *et al.*

Serial No.: 10/664,145

Group Art Unit: 1626

Filed: September 17, 2003

Examiner: Shiao, Rei Tsang

For: INSECTICIDAL 3-(2,6-DISUBSTITUTED PHENYL)-5-[5-ARYLTHIEN-3-YL]-  
1,2,4-TRIAZOLES

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
TRANSMITTED VIA FACSIMILE TO 703-872-9308 FOR THE  
COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313 ON:

November 10, 2004

DATE OF DEPOSIT

MELANIE S. BRADLEY

PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

*Melanie S. Bradley*

SIGNATURE OF PERSON SIGNING CERTIFICATE

*November 10, 2004*

DATE OF SIGNATURE

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

AFFIDAVIT UNDER 37 C.F.R. § 1.132

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

I, James E. Dripps, residing at 14032 Sedona Court, Carmel, County of Hamilton, State of Indiana, United States of America, being duly sworn, depose and say:

THAT I received the degree of Doctor of Philosophy in Entomology from the Pennsylvania State University in 1985;

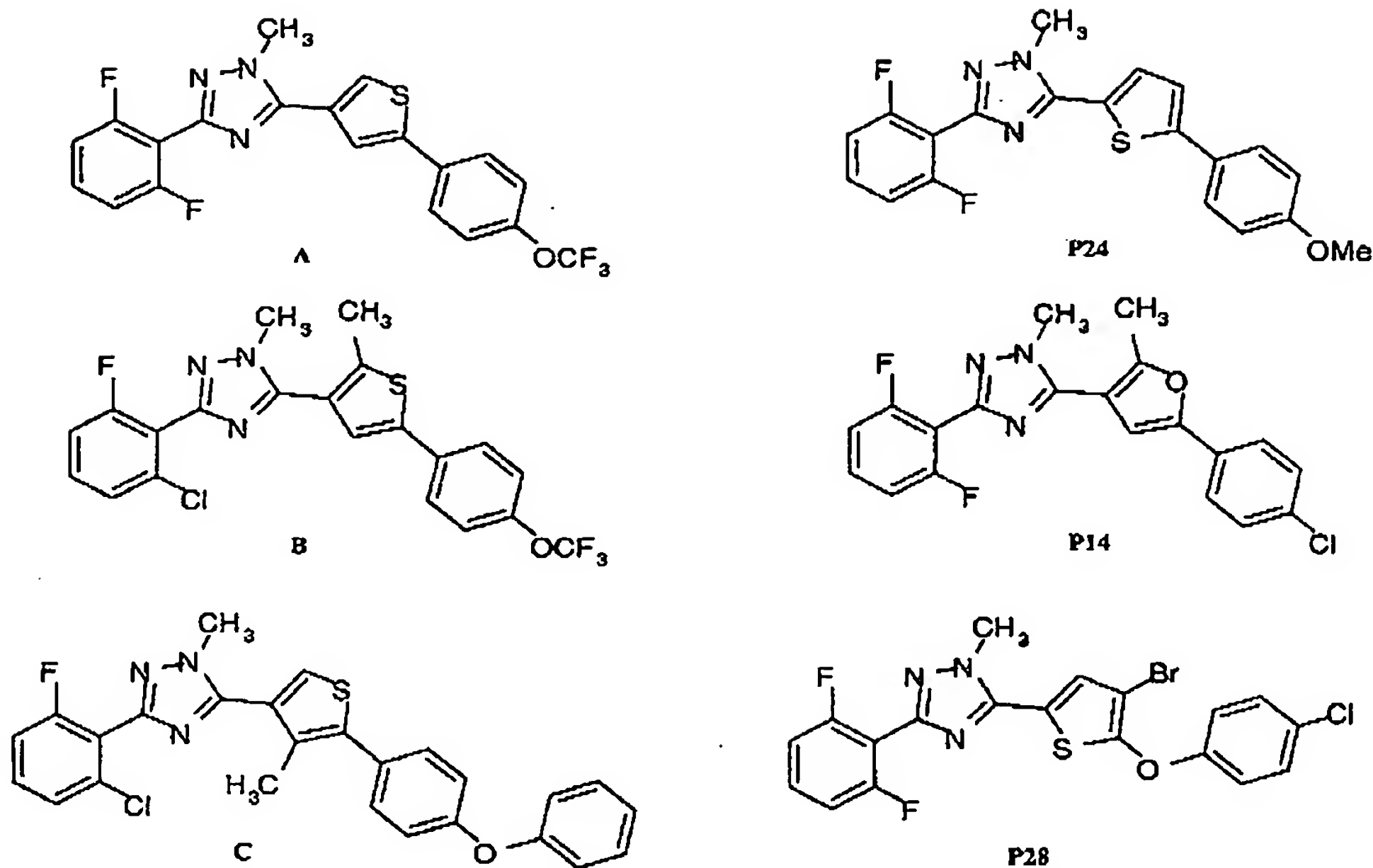
THAT I am the author or co-author of five publications in referred journals;

THAT I have been employed by Dow AgroSciences LLC or its predecessor companies since 1985;

THAT my present position is that of Technical Leader for Project Biology in Insect Management Discovery Research;

THAT in my current position I am involved in evaluating synthetic materials and compositions for insecticidal and acaricidal activity;

THAT I had carried out under my direction, under carefully controlled conditions, a series of cotton aphid and beet armyworm bioassays of the following compounds;



THAT the procedure and the results obtained were as follows:

Insecticidal test for cotton aphid (*Aphis gossypii*):

To prepare spray solutions, 1 mg of each test compound was dissolved into 1 mL of a 90:10 acetone:ethanol solvent. This 1 mL of chemical solution was added to 19 mL of water containing 0.05% Tween 20 surfactant to produce a 50 ppm spray solution.

Squash cotyledons were infested with cotton aphid (all life stages) 16-20 hours prior to application of spray solution. The solution was sprayed on both sides of each infested squash cotyledon (0.5 mL X 2 each side) with a sweeping action until runoff. The plants were allowed to air dry and held for 3 days in a controlled room at 26° C and 40 % RH after which time the test was graded. Grading was by actual count using a dissecting microscope and comparison of test counts to the untreated check. Results are given in Table 1 as percent control at 50 ppm based on population reduction versus the untreated calculated by standard methods and are reported in Table 1.

Insecticidal test for beet armyworm (*Spodoptera exigua*):

To prepare spray solutions, 4 mg of each test compound was dissolved into 10 mL of a 2:1 acetone:distilled water to produce a 400 ppm solution. An aliquot of this 400 ppm solution is then transferred to additional aqueous acetone to achieve a 25 ppm concentration solution.

Test units are prepared and consist of 4 cm – top diameter (1 oz.) tapered plastic cups, each containing @ 7.5 g. of prepared insect diet (Southland Products, Stoneville, Ms.). Each treatment consists of 5 units.


The test solutions are pipetted onto the diet surface. Target delivery volume is 0.25 ml per cup. The diet surface is allowed to dry thoroughly before each cup is infested with a single 2<sup>nd</sup> instar beet armyworm.

After infestation, test units are capped and stored for three days at 25° C (77° F) and 50 % R. H. prior to assessment for mortality and morbidity. Results are given in Table 1 as percent control at 400 and 50 ppm based on the number of live larvae in each treatment.

Table 1.  
Percent control data in cotton aphid and beet armyworm for represented compounds.

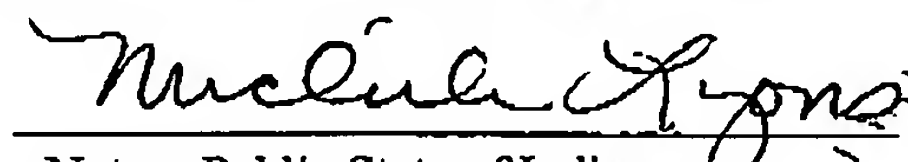
Compound	% control of CA @ 50 ppm	% control of BAW @ 400 ppm	% control of BAW @ 25 ppm
A	91	87	47
B	48	100	97
C	96	100	90
P24	24	0	0
P14	53	0	0
P28	17	2	0

Further deponent sayeth not.

  
James E. Dripps

10 NOV 2004  
Date

Sworn to and subscribed to me this 10th day of November 2004

  
Notary Public State of Indiana  
Michele Lyons  
Marion County of Hamilton  
My Commission Expires July 5, 2007